REMARKS

Claims 1-22 are pending in the present application, were examined, and stand rejected. In response, Claims 1, 3, 6, 8, 9, 12, 15, 18 and 20 are amended, Claims 2, 7 and 19 are cancelled and no claims are added. Applicants respectfully request reconsideration of pending Claims 1, 3-6, 8-18 and 20 in view of at least the following remarks. Reconsideration and withdrawal of the rejections of record are requested in view of such amendments and the following discussion.

I. Claims Rejected Under 35 U.S.C. §102

The Examiner has rejected Claims 1-22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,802,376 issued to DeRoo et al. ("DeRoo"). Applicants respectfully traverse this rejection.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik v. American Hoist & Derrick* ("Lindemann"), *730 F.2d 452, 1458 (Fed. Cir. 1994)*(emphasis added). Additionally, each and every element of the claim must be exactly disclosed in the anticipatory reference. *Titanium Metals Corp. of American v. Banner* ("Banner Titanium"), *778 F.2d 775, 777 (Fed. Cir. 1985)*.

Regarding Claim 1, Claim 1 is amended to incorporate the features of cancelled Claim 2 to recite:

> a revision identification register that allows modification of the revision identification register contents; and
> a revision identification modification register, the revision identification modification register allowing modification of the revision identification register contents when indicated by the contents of the revision identification modification register. (Emphasis added.)

According to the Examiner, the features of amended Claim 1 regarding the revision identification modification register is taught at col. 83, line 54 - col. 84, line 5 and col. 298, lines 1-8 of DeRoo. Applicants respectfully disagree with the Examiner's contention.

Regarding the passage of DeRoo beginning at col. 83, line 54 and running through col. 4, line 5, the cited passage by the Examiner describes an embodiment of DeRoo, which configures HUI 700 to provide faster warm booting of a computer system by vectoring system control volatile memory, thus eliminating the need to access the common memory device 704 during such an operation (*See*, col. 82, lines 26-30). In the passage cited by the Examiner, two steps are described for programming the HUI 700 for a warm boot vectoring. As described within DeRoo:

> The first step is to load the CPU register file 712 in the HUI 700. . . . The second step is programming the HUI for warm boot vector fast recovery is to enable the feature and lock the register file 712 by writing a "1" to bit 0 of the warm boot enable register, WBOOT_EN. Writing a "0" to bit 0 of register WBOOT_EN

disables the feature and causes all system memory reads to be taken from the top 16 bytes of the common memory device 704 and, thus, go through the HUI 700 unaccepted, as described above. (col. 83, line 55 - col. 84, line 5.)

As further described within DeRoo with regard to WBOOT_EN:

> Bit 0 in this register is used to enable and disable the warm boot vector fast recovery feature. This bit is a write once, read many WORM memory which permanently enables or disables warm boot. (col. 83, lines 27-33.) (Emphasis added.)

The only description of WORM memory referred to in the cited passage above is provided with reference to cols. 86 and 87 of DeRoo. As described:

> The circuit shown in FIG. 34 is a WORM register that is cleared at system reset. It can be written to only one (1) time after each system reset. Once this WORM register 2302 has been written, it cannot be re-written until the CPU 702 is reset again. (col. 86, lines 49-52.)

Accordingly, based on the cited passages above, Applicants respectfully submit that the WORM registers, as taught by DeRoo, which are used within HUI 700 to enable the write once, read many, functionality are limited to modification following system reset. As further described within DeRoo beginning at col. 86, lines 61-66, WORM register 2302 is enabled following system reset, and following system reset, is locked to prohibit subsequent modification.

Conversely, amended Claim 1 includes a revision identification modification register, which contains a value, or contents, which dictate whether modification of the revision identification register is enabled. Applicants respectfully submit that the capability of the WORM registers, as taught by DeRoo, which are enabled for writing or modification only following system reset, fail to teach or suggest the revision identification modification register, as recited by amended Claim 1.

Accordingly, Applicants respectfully submit that the Examiner fails to establish a *prima facie* case of anticipation of amended Claim 1, since DeRoo lacks the disclosure of each and every element of the claimed invention and fails to exactly disclose each and every element recited by amended Claim 1. Id. Accordingly, Claim 1, as amended, is patentable over DeRoo, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claim 1.

Regarding Claims 3-5, Clams 3-5 depend from Claim 1 and therefore recite the patentable claim features of Claim 1. Accordingly, Claims 3-5, based on their dependency from Claim 1, are also patentable over DeRoo, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claims 3-5.

Regarding Claims 6 and 12, Claims 6 and 12 are amended to recite the following claim feature, which is neither taught nor suggested by either DeRoo or the references of record:

ensuring that a <u>revision identification modification register</u> contains a <u>value</u> that <u>indicates</u> that the <u>revision identification register will accept writes</u>; and
replacing the current revision identification value with a revision identification value that indicates the first device stepping if the current revision identification value does not indicate the first device stepping. (Emphasis added.)

As indicated above with reference to Claim 1, the teachings of <u>DeRoo</u> are limited to write once, read many (WORM) registers, which are enabled following system reset. Applicants respectfully submit that since the WORM registers of <u>DeRoo</u> are only limited to modification following system reset, such registers cannot include a revision identification modification register that contains a value that indicates that the revision identification register will accept writes, as recited by amended Claims 6 and 12.

Accordingly, Applicants respectfully submit that the Examiner is prohibited from establishing a *prima facie* case of anticipation of Claims 6 and 12, as amended, since <u>DeRoo</u>, as well as the references of record, fail to teach each of the recited claim features of amended Claims 6 and 12. Accordingly, Claims 6 and 12 are patentable over <u>DeRoo</u>, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claims 6 and 12.

Regarding Claim 8, Claim 8 depends from Claim 6 and therefore recites the patentable claim features of Claim 6, as described above. Accordingly, Claim 8, based on its dependency from Claim 6 is also patentable over <u>DeRoo</u>, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claim 8.

Regarding Claims 13 and 14, Claims 13 and 14 depend from Claim 12 and therefore recite the patentable claim features of Claim 12, as described above. Accordingly, Claims 13 and 14, based on their dependency from Claim 12, are also patentable over <u>DeRoo</u>, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claims 13 and 14.

Regarding Claims 9 and 15, Claims 9 and 15 are amended to recite the following claim features, which are neither taught nor suggested by either <u>DeRoo</u> or the references of record:

accessing a <u>revision identification modification register</u>;
modifying the value stored in the revision identification register if modification of the revision identification register is enabled according to the contents of the revision identification modification register. (Emphasis added.)

As described above with reference to the rejection of Claims 1, 6 and 12, since the WORM registers, as taught by <u>DeRoo</u> can only be modified following system reset, <u>DeRoo</u> cannot teach the accessing of a revision identification modification register to determine whether modification of the revision identification register is enabled, as recited by Claims 9 and 15. Accordingly, Applicants

respectfully submit that Applicants' amendment of Claims 9 and 15 prohibits the Examiner from establishing a *prima facie* case of anticipation of Claims 9 and 15, since DeRoo fails to disclose and every element recited by amended Claims 9 and 15. Id. Accordingly, Claims 9 and 15, as amended, is patentable over DeRoo, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claims 9 and 15.

Regarding Claims 10 and 11, Claims 10 and 11 depend from Claim 9 and therefore recite the patentable claim features of Claim 9, as described above. Accordingly, Claims 10 and 11, based on their dependency from Claim 9, are also patentable over DeRoo, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claims 10 and 11.

Regarding Claims 16 and 17, Claims 16 and 17 depend from Claim 15 and therefore recite the patentable claim features of Claim 15, as described above. Accordingly, Claims 16 and 17, based on their dependency from Claim 15, are also patentable over DeRoo, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claims 16 and 17.

Regarding Claim 18, Claim 18 is amended to incorporate the features of Claim 19 to recite a revision identification modification register, the contents of which determine whether modification of the revision identification register is enabled. Accordingly, for at least the reasons described with regards to Claim 1, Applicants respectfully submit that the Examiner is prohibited from establishing a *prima facie* case of anticipation of amended Claim 18, since DeRoo, as well as the references of record, fail to disclose each and every element recited by amended Claim 18. Accordingly, Claim 18, as amended, is patentable over DeRoo, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claim 18.

Regarding Clams 20-22, Claims 20-22, based on their dependency from Claim 18, are also patentable over DeRoo, as well as the references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claims 20-22.

CONCLUSION

In view of the foregoing, it is submitted that Claims 1, 3-6, 8-18 and 20, as amended, patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.
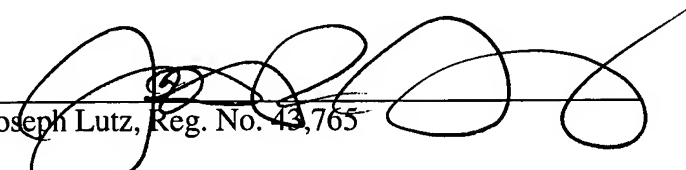
If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

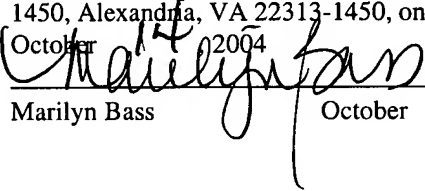BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: October 14, 2004

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CERTIFICATE OF MAILING:
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 14, 2004

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Marilyn Bass   October 14, 2004